

# **EXHIBIT 1**

**Exhibit 1 to Opp. to Dkt. 315****Summary Chart of the RFPs at Issue & Discovery The Times Agreed to Produce**

<b>The Discovery Requests at Issue</b>	<b>Discovery The Times Agreed to Produce</b>
<b>Subscription Cancellation Information</b>	
<p><b>MSFT RFP 75:</b> Documents concerning reasons for any cancellation of subscription(s) to The New York Times (including print and digital editions) since January 1, 2019.</p> <p><b>MSFT RFP 76:</b> Documents evidencing or related to any surveys regarding cancellation of any subscription to The New York Times, whether print or digital, (including but not limited to the survey attached as Exhibit A) and responses to such surveys, including but not limited to the questions included in each version of such survey(s) that was deployed to consumers, the number of responses received, the number of users asked to complete such surveys, and the reason(s) for cancellation selected or inputted by the survey subject.</p> <p><b>MSFT RFP 77:</b> Documents concerning any analysis or study regarding the reasons for any cancellations of subscriptions to The New York Times (including print and digital editions).</p> <p><b>MSFT RFP 80:</b> Documents concerning the decision to include a question about AI in any surveys regarding cancellation of any subscription to The New York Times, whether print or digital, (including but not limited to the survey attached as Exhibit A), including but not limited to documents sufficient to show when any questions about AI were added to or removed from any such surveys.</p>	<p>The Times has agreed to produce:</p> <ol style="list-style-type: none"> <li>1) Documents sufficient to show the results of the survey attached as Exhibit A and any other surveys regarding subscription cancellations related to generative AI (MS RFP 76); and</li> <li>2) Documents relating to harm or injury for which The Times is seeking recovery in this dispute that are in its possession, custody, and control and that can be located after a reasonable search pursuant to an agreed-upon search protocol. (OAI RFP 26, MS RFP 56)</li> </ol>

<b>Advertising Revenue and Website Traffic</b>	
<p><b>MSFT RFP 89:</b> Documents concerning reasons for any changes in advertising revenue associated with or resulting from page views within the nytimes.com domain (including all webpages within the nytimes.com domain) from January 1, 2019 to the present.</p> <p><b>MSFT RFP 101:</b> Documents concerning any effect (including but not limited to increases, decreases, fluctuations, or changes) on traffic to the nytimes.com domain (including all webpages within the nytimes.com domain) resulting from non-party Generative AI System(s) similar to the Generative AI Products and Services, including but not limited to any version of Anthropic's Claude, Google's Search (with integrated AI) and Google's Gemini (formerly Bard), and Perplexity.</p> <p><b>Documents from Joy Robins</b> (Global Chief Advertising Officer)</p>	<p>The Times has agreed to produce:</p> <ol style="list-style-type: none"> <li>1) Analyses or reports regarding trends in click-through rates from search engines to the nytimes.com domain (MS RFP 73);</li> <li>2) Documents sufficient to show increases, decreases, fluctuations, or changes in traffic to Wirecutter and analyses and reports regarding whether such changes in traffic are attributable to Defendants' generative AI products or other market forces and factors (MS RFP 90);</li> <li>3) Documents sufficient to show increases, decreases, fluctuations, or changes in traffic to affiliate links from The Times's website. (MSFT RFP 93);</li> <li>4) Analyses and reports regarding whether increases, decreases, fluctuations, or changes in traffic to affiliate links from The Times's website are attributable to Defendants' generative AI products or other market forces and factors (MS RFP 94);</li> <li>5) Documents sufficient to show how The Times analyzes the financial value of content on its website and the results of such analyses, including without limitation analyses of the financial value of page views and other indicators of financial performance (OAI RFP 36);</li> <li>6) Documents sufficient to calculate or estimate per-display revenues associated with The Times's Asserted Works by source, including without limitation revenues from subscriptions, advertising revenues (including cost per impression), and revenues from affiliate links. Each metric shall include both (i) the total number since the work's publication and (ii) a breakdown by month from month of publication to the present (OAI RFP 28);</li> <li>7) Documents sufficient to show the total page views for each of the Asserted</li> </ol>

	<p>Works for each month, beginning with the month of the work's publication to the present (OAI RFP 29);</p> <p>8) Documents sufficient to show the total user visits to www.nytimes.com, on a monthly basis, from January 1, 2018, through the first quarter of 2024 (MS RFP 62);</p> <p>9) Documents and communications concerning decreases in traffic or the impact on Wirecutter's advertising and subscription revenue that is attributable to OpenAI (OAI RFP 96);</p> <p>10) Analyses and reports regarding whether decreases in traffic to The Times's websites are attributable to GPT services or other forces (OAI RFP 145);</p> <p>11) Documents regarding any effect on traffic to nytimes.com domain resulting from Defendants' Generative AI (MS RFP 99)</p>
<b>Microsoft's "Catch All" Requests</b>	
<p><b>MSFT RFP 8:</b> Documents concerning the market for the Copyrighted Works-In-Suit, including Documents sufficient to show Your consumer base, gross revenues, overall market performance, market performance for purchases of print publications, market performance for purchases of digital publications, supply and demand, advertisement performance, or any related market studies or research, both before and after release of Defendants' Generative AI Product(s) and Service(s).</p> <p><b>MSFT RFP 9:</b> Documents concerning the market for derivatives of Your Copyrighted Works-In-Suit, including Documents sufficient to show Your consumer base, gross revenues, overall market performance, market performance for purchases of print publications, market performance for purchases of digital publications, supply and demand, advertisement performance, or any related market studies or research, to the extent such market exists, both before and after release of Defendants' Generative AI Product(s) and Service(s).</p>	<p>The Times has agreed to produce:</p> <p>1) Documents sufficient to show revenue generated from licensing the copyrighted works from 2015 to present (MS RFP 63);</p> <p>2) Documents sufficient to show The Times' subscription-based revenue for each month from January 1, 2018, through Q1 2024 (MS RFP 60);</p> <p>3) Documents sufficient to show The Times' total revenue, broken down by source, including without limitation advertising revenue, revenue from affiliate links, and subscription revenue by subscription type (whether personal or commercial, online or print) for each month beginning January 1, 2018, through Q1 2024 (MS RFP 65);</p> <p>4) Documents sufficient to calculate or estimate per-display revenues associated with The Times' Asserted Works by source, including revenues from</p>

	<p>subscriptions, advertising revenues (including cost per impression), and revenues from affiliate links (MS RFP 66; OAI RFP 28);</p> <p>5) Documents sufficient to show The Times’s monthly revenue (broken down by source) from 2015 to present (OAI RFP 27);</p> <p>6) Documents and Communications sufficient to reflect the revenue Wirecutter has generated via “affiliate referral,” as alleged in Paragraph 128 of the Complaint. (OAI RFP 95);</p> <p>7) Documents concerning any valuation of the Copyrighted Works-In-Suit, from 2015 to the present (MS RFP 11);</p> <p>8) Documents sufficient to identify the well-established market for The Times to provide paid access to and use of its copyrighted works-in-suit as alleged in ¶ 155 of the Complaint (MS RFP 57); and</p> <p>9) Documents sufficient to identify any alleged lost market value of the copyrighted works-in-suit as alleged in ¶ 156 of the complaint (MS RFP 58)</p>
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